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PATENT
Attorney Docket No.: 020460-001000US

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On July 16, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Gigi Hoover

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SIRHAN, MOTASIM et al.

Application No.: 10/017,500

Filed: December 14, 2001

For: APPARATUS AND METHODS FOR
VARIABLY CONTROLLED SUBSTANCE
DELIVERY FROM IMPLANTED
PROSTHESES

Customer No.: 20350

**PETITION FOR UNINTENTIONALLY
DELAYED DOMESTIC PRIORITY CLAIM
UNDER 37 CFR § 1.78**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.78(a)(3) and 37 C.F.R. § 1.78(a)(6), Applicants hereby submit this Petition in order to claim the benefit of priority to U.S. Provisional Patent Application No. 60/258,024 filed on December 22, 2000, U.S. Patent Application No. 09/783,253, U.S. Patent Application No. 09/782,927, U.S. Patent Application No. 09/783,254, and U.S. Patent Application No. 09/782,804 all filed on February 13, 2001, and U.S. Provisional Patent Application No. 60/308,381 filed on July 26, 2001. Requirements for this Petition are satisfied as follows:

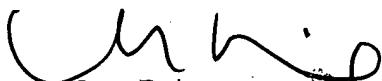
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- (1) The above-referenced patent application is currently pending.
- (2) The reference required by 35 U.S.C. § 119(e) and 35 U.S.C. § 120 to the provisional and non-provisional applications is provided in the form of a supplemental application data sheet submitted herewith. The reference to the domestic priority information has also been made to the first paragraph of the specification in an amendment filed concurrently herewith.
- (3) In connection with this Petition, Applicants hereby authorize the Commissioner for Patents to charge any and all fees required under 37 C.F.R. § 1.17(t) to Deposit Account No. 20-1430.
- (4) The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and 37 C.F.R. § 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

A Request for Corrected Filing Receipt reflecting the corrected domestic priority information is further attached herewith.

In view of the foregoing, Applicants respectfully request that this Petition be granted. If it is believed that a telephone conference would expedite processing of this Petition, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Nena Bains
Reg. No. 47,400

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